

**“IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CASEY WAYNE GIBSON,)	
)	
Plaintiff,)	Case No. 7:19CV00579
)	
v.)	OPINION
)	
MENTAL HEALTH DOCTOR, ET AL.,)	By: James P. Jones
)	United States District Judge
Defendants.)	

Casey Wayne Gibson, Pro Se Plaintiff.

The plaintiff, Casey Wayne Gibson, a Virginia jail inmate proceeding pro se, has filed this civil rights action under 42 U.S.C. § 1983, alleging that the defendants violated his constitutional rights in various respects. Gibson has not provided the court with his current address, however.

By its Order entered September 6, 2019, the court advised Gibson that a failure to update his mailing address promptly would result in dismissal of this action. The court’s Order that was entered and mailed to Gibson on October 16, 2019, using the address he provided with his complaint, has been returned as undeliverable, with no forwarding address given. Accordingly, I find that, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, Gibson has failed to prosecute this action. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal

without prejudice is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)). An appropriate order will enter this day.

Gibson is advised that if he intends to proceed with this action, he must petition the court within 30 of the entry of this order for a reinstatement of this action. Any motion for reinstatement should provide specific explanation for his failure to provide the court with an updated address.

A separate final order will be entered herewith.

DATED: November 12, 2019

/s/ James P. Jones
United States District Judge